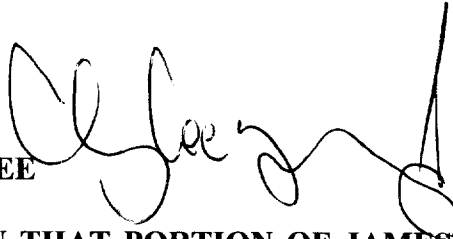


**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**



AN ORDINANCE TO ABANDON THAT PORTION OF JAMES P. BRAWLEY DRIVE, S.W., BETWEEN PARSONS STREET AND BECKWITH, LYING IN LAND LOT 14, COUNCIL DISTRICT 14, FULTON COUNTY, GEORGIA, CONSISTING OF APPROXIMATELY 0.363 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A"; AND FOR OTHER PURPOSES.

WHEREAS, Robert W. Woodruff Library – Atlanta University Center ("AUC"), ("Applicant"), an owner of abutting property, has filed a formal petition with the City of Atlanta ("City") to abandon the above-referenced properties, said application contains the consent of seven of the eight abutting property owners to the abandonment and registered mail notification to the interested parties of 108 James P. Brawley pending the adjudication of the quiet title action determining ownership of the parcel; and

WHEREAS, the request for abandonment will allow for the extension of the AUC promenade adjoining the Library, as well as for redevelopment and revitalization of an important portion of the West End area; and

WHEREAS, in conjunction with that redevelopment, the Applicant has paid a fee of \$2,500.00 for the costs of the advertisement of the abandonment, as specified by Section 138-9 (a) (5) of the City Code of Ordinances, but is requesting that the City of Atlanta convey said abandoned portion of street at no cost or expense to the Applicant; and

WHEREAS, the request to abandon said street has been reviewed by the proper City agencies, all public utilities, neighborhood planning units, and other applicable entities referenced in Section 138-9 (b) (2) prior to passage of this legislation; and

WHEREAS, the Applicant, the abutting property owner of seven of the eight parcels and the City of Atlanta have agreed to a conveyance of said property contingent upon the abandonment process taking place and the final adjudication of the quiet title action; and

WHEREAS, the Applicant and the City of Atlanta have agreed that if the Applicant is determined not to be the owner of 108 James P. Brawley as a result of the quiet title action, that neither this street abandonment nor subsequent improvements subject thereto will restrict access to 108 James P. Brawley; and

WHEREAS, the Commissioner of the Department of Public Works has determined that the portion of James P. Brawley Drive S.W., as described in Exhibit "A" is no longer necessary for the public's use and convenience as a public right-of-way; and

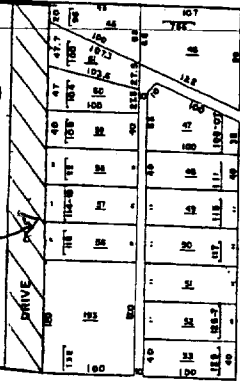
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14TH



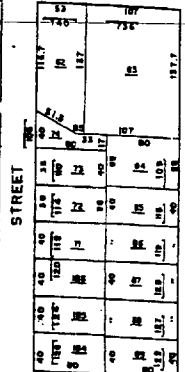
JEPTIA STREET

BECKWITH STREET

PROPOSED STREET
TO BE ABANDONED
SEE LL

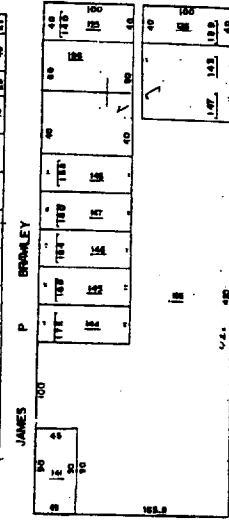
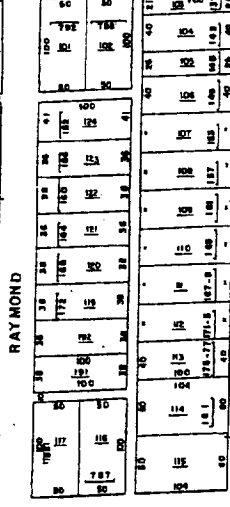
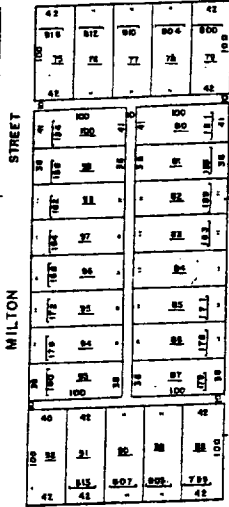


STREET

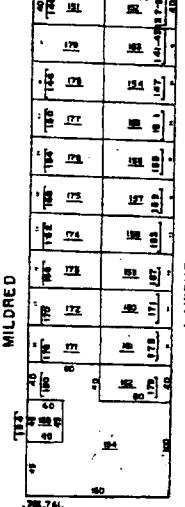


STREET

PARSONS



STREET



STREET

FAIR

STREET

SCALE-

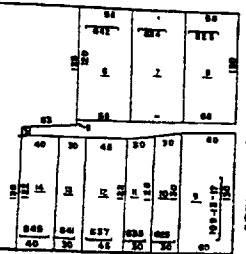
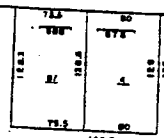
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14TH



STREET

BECKWITH STREET

STREET



STREET

PARSONS

STREET

Robert W.
WOODRUFF LIBRARY

Clark Atlanta University • Interdenominational Theological Center • Morehouse College • Spelman College

RECEIVED
DEPT. OF PUBLIC WORKS/00C
2007 MAY 15 PM 2:42

OFFICE OF FINANCE DIRECTOR/CFO

May 8, 2007

Ms. Katrina Taylor
City of Atlanta Public Works Department
55 Trinity Avenue
Suite 4700
Atlanta Ga. 30303

Re: **James P. Brawley Street Abandonment – 108 James P. Brawley
Interested Parties**

Dear Ms. Taylor

Enclosed please find the Interim Report of Special Master in Civil Action No. 2006cv117848, **WL Acquisitions v. All persons who may have an interest in that certain property located at 108 James P. Brawley**, filed in the Superior Court of Fulton County Georgia. The interested parties are found listed on page two of the report.

If additional information is needed, please do not hesitate to contact me at (404) 577-6317 or our consultant, Dwan Packnett at (404) 310-2388.

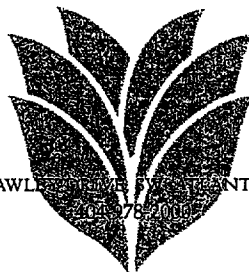
Sincerely,



Eric U. Miller
Chief Financial Officer

/Enclosure

cc: Councilman Ivory Young
Nersuf Kedir, Department of Public Works
Wahab Alabi, Department of Public Works
Dwan Packnett
Keith Morton



IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

WL ACQUISITIONS, LLC,

Petitioner,

v.

CIVIL ACTION NO. 2006cv117848

All persons who may have an interest in that
certain property located at 108 James P.
Brawley Drive, f/k/a 108 Chestnut Street,
City of Atlanta, Fulton County, Georgia
(Land Lot 109, 14th District),

Respondents.

INTERIM REPORT OF SPECIAL MASTER

1. Petitioner's Petition to Quiet Title was filed on June 5, 2006, seeking to quiet
Petitioner's title to the subject property located at and known as 108 James P. Brawley
(formerly 108 Chestnut Street), Atlanta, Fulton County, Georgia (the "Property") as
described in the Petition.
2. Petitioner's Petition was filed expressly as a Petition under the *quia timet* provisions of
Official Code of Georgia Annotated § 23-3-60, et seq. The Order appointing this
Special Master was issued under O.C.G.A. § 23-3-63.
3. On September 18, 2006, the Special Master received from Petitioner's counsel, as
requested, a copy of the Petition and all instruments reportedly filed therewith, along
with a plat of survey for the subject property, a copy of all instruments upon which
Petitioner's claims are reportedly based, a copy of all instruments reportedly known to

Petitioner upon which any other persons may base claims adverse to Petitioner's, and the notice filed in this Court's Lis Pendens docket pursuant to O.C.G.A. § 25-3-62(d).

4. On September 18, 2006, this Special Master filed with the Court a Determination of Entitlement to Notice. Based upon such Determination, on September 22, 2006, this Court issued an Order for Publication which required personal service upon those of the following persons whose residence was ascertainable, else service by publication upon such persons and all other persons known or unknown, having an interest in the subject Property:

- a. Tenant/Resident/Occupant of 108 James P. Brawley Drive f/k/a 108 Chestnut Street, Atlanta, Fulton County, Georgia;
- b. HJ&K Family Limited Partnership;
- c. Business Georgia Capital LLC f/k/a Business Development Corporation of Georgia, Inc.;
- d. Daryl A. Cole;
- e. Late Nite Records, Inc.;
- f. Stanley Jones;
- g. City of Atlanta;
- h. Fulton County Tax Commissioner; and
- i. State of Georgia.

5. On February 6, 2007 Petitioner filed the Affidavit of Jeffrey L. Mapen with this Court, documenting service of the Petition upon each of the foregoing persons, either by personal service or by publication; and further documenting Petitioner's diligence in seeking to obtain personal service on all Respondents.

Upon review of the pleadings filed, the Special Master hereby finds as follows:

1. It appears from the Affidavit of Jeffrey L. Mapen filed in this Court's records, and the various affidavits of service attached thereto, that Petitioner obtained personal service of process upon the following Respondents:
 - a. HJ&K Family Limited Partnership;

- b. Business Georgia Capital LLC f/k/a Business Development Corporation of Georgia, Inc.;
- c. Late Nite Records, Inc.;
- d. Stanley Jones;
- e. City of Atlanta;
- f. Fulton County Tax Commissioner; and
- g. State of Georgia.

2. It appears from the Affidavit of Jeffrey L. Mapen filed in this Court's records, and the various affidavits of service attached thereto, that, after due diligence, Petitioner was unable to obtain personal service upon the following Respondents, and proceeded to effect service upon such Respondents by publication, in accordance with this Court's Order of September 22, 2006:

- a. Tenant/Resident/Occupant of 108 James P. Brawley Drive f/k/a 108 Chestnut Street, Atlanta, Fulton County, Georgia; and
- b. Daryl A. Cole.

CONCLUSIONS OF LAW

Accordingly, the Special Master concludes as follows:

- 1. Venue and jurisdiction of these proceedings are proper in this Court and County.
- 2. Petitioner has provided proper notice of these proceedings to all interested parties in accordance with the Orders of this Court and O.C.G.A. § 23-3-65.

Respectfully submitted this the 19th day of March, 2007.

Carol V. Clark
Carol V. Clark, Special Master

Carol Clark Law
6075 Lake Forrest Drive
Suite 200
Atlanta, Georgia 30328

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

WL ACQUISITIONS, LLC,

Petitioner,

v.

CIVIL ACTION NO. 2006cv117848

All persons who may have an interest in that
certain property located at 108 James P.
Brawley Drive, f/k/a 108 Chestnut Street,
City of Atlanta, Fulton County, Georgia
(Land Lot 109, 14th District),

Respondents.

(PROPOSED)
ORDER

The within and foregoing matter having come before this Court upon the Interim Report of Special Master, filed in this case, and for other good cause thereof being shown, this Court hereby finds and orders as follows:

1. Venue and jurisdiction of these proceedings are proper in this Court and County.
2. Petitioner's Petition to Quiet Title was filed on June 5, 2006, seeking to quiet
Petitioner's title to the subject property located at and known as 108 James P. Brawley
(formerly 108 Chestnut Street), Atlanta, Fulton County, Georgia (the "Property") as
described in the Petition.
3. Petitioner has properly perfected service upon all interested parties as required by
O.C.G.A. § 23-3-65, including personal service or service by publication upon the
following persons or parties, in accordance with the prior orders of this Court:

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the within and foregoing INTERIM
REPORT OF SPECIAL MASTER AND PROPOSED ORDER by depositing a copy of
same in the United States Mail in a properly addressed envelope with sufficient postage affixed
thereto to ensure delivery to the following:

McLain & Merritt, P.C.
William S. Sutton, Esq.
3445 Peachtree Road, N.E.
Suite 500
Atlanta, GA 30326-3240

William Castings, Esq.
City of Atlanta Dept. of Law
68 Mitchell Street SW
Atlanta, GA 30303

Alison L. Spencer, Esq.
Assistant Attorney General
State Law Dept.
40 Capitol Square, SW
Atlanta, GA 30334-1300

Mark L. Golder, Esq.
Siegel & Golder, P.C.
One Premier Plaza, Suite 690
Atlanta, GA 30342

Office of The County Attorney
Overtis Hicks Brantley, Esq.
141 Pryor Street SW
Suite 4038
Atlanta, GA 30303

Jeffrey H. Schneider, Esq.
Weissman, Nowack, Curry & Wilco, PC
3500 Lenox Road
4th Floor, One Alliance Center
Atlanta, GA 30326

S. Wade Malone
Jeffrey L. Mapen
Nelson Mullins Riley
& Scarborough LLP
Suite 1400
Atlanta, GA 30309

Carol V. Clark

Carol V. Clark, Special Master